

**From:** [Fugh, Justina](#)  
**To:** [Tatum, Stephen](#)  
**Cc:** [Gray, David](#); [Clarke, Victoria](#)  
**Subject:** Approval of Outside Activity  
**Date:** Tuesday, July 14, 2020 4:13:00 PM

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Hi there,

This note confirms that I am approving your request to engage in uncompensated outside activity, specifically serving in a fiduciary role with the board of the Texas Water Trade, a nonprofit organization focused on sustainable conservation of clean water resources in Texas through cultivation of water markets and technological innovation. We have confirmed with the Region 6 Office of Regional Counsel that this entity does not appear to have any actual business pending before EPA.

Please note that, generally, an approval for outside employment remains valid for five years, though you must request a new approval should there be a change in the nature or scope of your duties, either on the board or at EPA. I have set forth below a reminder about several ethics principles:

#### Financial Conflicts of Interest

Because you serve in a fiduciary role, the interests of Texas Water Trade are imputed to you to under the financial conflict of interest statute, 18 U.S.C. § 208. You are not permitted as part of your EPA duties to participate in any matter that will have a direct and predictable financial effect upon Texas Water Trade, either as a specific party or on particular matters of general applicability. This issue is already addressed in your recusal statement.

#### Representation

Don't forget, you are generally prohibited by a criminal law from representing another entity back to the federal government in any matter in which the United States is a party or has a direct and substantial interest. This rule applies to you even though you are uncompensated. See 18 U.S.C. § 205. In your capacity as a board member, you cannot contact the U.S. government or any official on behalf of Texas Water Trade.

If you have any questions, please feel free to contact me at (202) 564-1786.

All the best,

Justina

Justina Fugh | Director, Ethics Office | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

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**From:** Tatum, Stephen

**Sent:** Tuesday, July 14, 2020 1:44 PM

**To:** Fugh, Justina <Fugh.Justina@epa.gov>

**Cc:** Gray, David <gray.david@epa.gov>; Clarke, Victoria <clarke.victoria@epa.gov>

**Subject:** Request for Approval of Outside Activity

Justina:

Pursuant to 5 CFR 6401.103, I am requesting approval of outside unpaid employment in my role as a board member of the Texas Water Trade, a nonprofit water conservation organization started in 2019. The information required by subsection 6401.103(b) is provided below:

1. **Employee's name, title, and grade:** Stephen Tatum, Chief of Staff – Region 6, 15
2. **Nature of the outside activity, including a full description of the services to be performed and the amount of compensation expected:** The Texas Water Trade is a nonprofit organization whose mission is the sustainable conservation of clean water resources in Texas through cultivation of water markets and technological innovation. The organization's website is here: <https://texaswatertrade.org/>. Myself and the other board members support the organization's mission by acting as general fiduciaries of the organization's resources and adopting sound policies. I receive no compensation whatsoever for my role as board member.
3. **The name and business of the person or organization for which the work will be done:** Texas Water Trade, nonprofit organization.
4. **The estimated time to be devoted to the activity:** Quarterly, 3-hour board meetings and occasional review of information provided by the CEO.
5. **Whether the service will be performed entirely outside of normal duty hours (if not, estimate the number of hours of absence from work required):** Work will be performed outside of normal hours to the extent possible. The quarterly board meetings are usually 3 hours long and occur during normal work hours. I have informed the board that to the extent I participate in any board meetings, such participation will be entirely passive. I have also informed them that I will recuse myself from any discussions or actions that involve the EPA.
6. **My statement:** No official duty time or Government property, resources, or facilities not available to the general public will be used in connection with the outside employment.
7. **Basis for compensation:** There is no basis for compensation; this is an unpaid activity.
8. **My statement:** I have read, am familiar with, and will abide by the restrictions described in 5 CFR part 2635 and section 6401.102.

9. **An identification of any EPA assistance agreements or contracts held by a person to or for whom services would be provided:** To my knowledge, the Texas Water Trade does not hold any EPA assistance agreements or contracts.

Let me know if you need any other information from me. Thank you.

Stephen

**Stephen Tatum**

Chief of Staff—Region 6 (AR, LA, NM, OK, TX and 66 Tribal Nations)

U.S. Environmental Protection Agency

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